

Appln. No.: 10/659,478
Amendment Dated July 19, 2006
Reply to Office Action of March 22, 2006

BSI-260US3

Amendments to the Drawings:

The attached sheets of drawings include changes to Figure(s) 3A, 7C, and 7D. These sheets replace the original sheets

Attachment

Remarks/Arguments:

With the present response, claims 42-55 and 57-60 are pending, with claims 48, 50, 51, 54, 55, 58, and 60-66 withdrawn pursuant to a Restriction Requirement. Claim 56 has been canceled, with the subject matter of claim 56 incorporated into claim 42. Claims 61-66 have been canceled without prejudice.

The Examiner is thanked for the indication that claims 46, 49, 56, 57, and 59 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form to include the base claim and any intervening claims.

Drawing Objections

The drawings were objected to as failing to show the uncovered and covered portions of the stent as claimed in claim 52. Claim 52 has been amended to recite the stent is covered in an *unexpanded* configuration. Applicant respectfully submits that such configuration is shown in Fig. 11, and requests withdrawal of this objection.

The drawings were objected to as failing to show the "third member" as recited in claim 53. The third member is recited in claim 54 as a "crochet weave." The crochet weave 80 is recited in the paragraph beginning on page 10, line 15. Applicant respectfully submits that crochet weave 80 is shown in Fig. 4A, and requests withdrawal of this objection.

Fig. 7D was objected to because the reference character "20" has been used to designate both lumen and wall. Fig. 7D has been amended to eliminate the use of reference character "20" to designate the wall. Applicant respectfully requests withdrawal of this objection.

The drawings were objected to for failing to mention reference character 78 in the description. The Specification has been amended in the paragraph starting on page 9, line 13 to reference the reference character 78. Applicant respectfully requests this objection to the drawings be withdrawn.

Fig. 3A was objected to because the lead line pointing to suture 68 is inaccurate. Fig. 3A has been amended to correct the lead line to properly point to the suture. Applicant respectfully requests this objection to the drawings be withdrawn.

Figs. 7C-7D were objected to because the lead line pointing to graft 50 was inaccurate. Figs. 7C-7D have been amended to correct the location of lead line 50 to properly point to the graft. Applicant respectfully requests this objection to the drawings be withdrawn.

Specification Objections

Claim 42 is objected to because lines 4 and 7 read "a free end". It was suggested to read "an opposite end." Claim 42 has been amended to change "a free end" to "an opposite end." Applicant respectfully requests this objection to the Specification be withdrawn.

The specification has been objected to as failing to provide proper antecedent basis for the following terms: "connected end," "free end," "first member," "second member," "third member, and "movable member." A recitation of the "connected end" has been amended in the Specification, namely, in the paragraph beginning at page 8, line 5, to further define the "connected end" as the proximal end 66. The recitation of the term "free end" in the claims has been amended to "opposite end" as discussed above. A recitation of the "opposite end" has been amended in the Specification, namely, in the paragraph beginning at page 8, line 5, to further define the "opposite end" as the distal end 52. Applicant respectfully requests the objection to the use of the terms "connected end" and "free end" be withdrawn.

The "first member" is recited in claim 43 as the stent sheath. The stent sheath is recited in Specification, namely, in the paragraph beginning at page 8, line 5. Applicant respectfully submits that the stent sheath, and therefore, the first member, is recited in the Specification and respectfully requests the objection to the term "first member" be withdrawn.

The "second member" is recited in claim 47 as a suture, in claim 50 as an adhesive, and in claim 51 as a crochet weave. The suture is recited in the Specification, namely, in the paragraph beginning at page 8, line 5. The adhesive is recited in the Specification, namely, in the paragraph beginning at page 10, line 8. The crochet weave is recited in the Specification, namely in the paragraph beginning at page 10, line 15. Applicant respectfully submits that the suture, the adhesive, and the crochet weave, and therefore, the second member, are all recited in the Specification and respectfully requests the objection to the term "second member" be withdrawn.

The "third member" is recited in claim 54 as a crochet weave. The crochet weave is recited in the Specification, namely in the paragraph beginning at page 10, line 15. Applicant respectfully submits that the crochet weave, and therefore, the third member, is recited in the Specification and respectfully requests the objection to the term "third member" be withdrawn.

The "movable member" is recited in claim 57 as an inner core. The inner core is recited in the Specification, namely in the paragraph beginning at page 11, line 25. Applicant respectfully submits that the inner core, and therefore, the movable member, is recited in the

Specification and respectfully requests the objection to the term "movable member" be withdrawn.

Claim 52 was objected to because line 3 reads "covered by the *stent*", which is contradictory to the beginning of the claim. Claim 52 has been amended to recite "covered by the *graft*" as suggested in the Office Action. Applicant respectfully requests this objection to the Specification be withdrawn.

Claim Rejections

Claim rejections under 35 U.S.C. §112

Claims 42-47, 49, 52, 53, 56, 57, and 59 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action stated that the term "free end" in claim 42 is used in the claim to mean "retained by the second, non-sheath member," while the accepted meaning is "not constrained." Applicant has amended claim 42 to replace the term "free end" with the term "opposite end" as recommended in paragraph 9 of the Office Action. Applicant respectfully submits that claim 42 is now definite and requests reconsideration and allowance of claim 42. Claim 56 has been canceled, rendering the rejection of this claim moot. Claims 43-47, 49, 52, 53, 57, and 59 all ultimately depend from claim 42 and are all now definite for at least the same reasons set forth above with respect to claim 42. Applicant respectfully requests reconsideration and allowance of these claims.

Claim rejections under 35 U.S.C. §103

Claims 42-44, 47, and 52-53 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0109887 to Galdonik et al. ("Galdonik") in view of U.S. Patent No. 6,001,123 to Lau ("Lau"). Claim 42 has been amended to incorporate the limitations of allowable claim 56. Applicants respectfully submit that amended claim 42 is now patentable over the cited prior art. Reconsideration and allowance of claim 42 is respectfully requested. Claims 43, 44, 47, and 52-53 all ultimately depend from claim 42. Applicants respectfully submit that these claims are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 42. Reconsideration and allowance of claims 43, 44, 47, and 52-53 is respectfully requested.


Claim 45 stands rejected under 35 U.S.C. §103(a) as unpatentable over Galdonik in view of Lau and U.S. Patent No. 5,954,764 to Parodi. Applicant respectfully traverses this rejection. Claim 45 depends from claim 42 and Applicant respectfully submits that claim 45 is patentable

over the cited prior art for at least the same reasons as set forth above with respect to claim 42. Reconsideration and allowance of claim 45 is respectfully requested.

Conclusion

In light of the above amendments and arguments, Applicant respectfully submits that claims 42-47, 49, 52, 53, 57, and 59 are in condition for allowance, for that reason, and claims 48, 50, 51, 54, 55, 58, and 60, previously withdrawn, should now also be allowed as dependent from allowable claims. Prompt reconsideration and allowance is respectfully requested.

Respectfully submitted,



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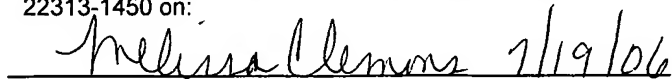
Attachments: Figure(s) 3A, 7C, 7D (2 sheets)

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